

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2596 OF 2006
IN
INCOME TAX APPEAL (LOD) NO.1064 OF 2006

The Commissioner of Income Tax ..Appellant.

V/s.

M/s.R.D.Ashar ..Respondent.

Mr.A.S.Rao with P.S.Sahadevan for appellant.

Mr.B.V.Jhaveri for respondent.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 22ND OCTOBER, 2007.

P.C. :-

There is a delay of 530 days in preferring the appeal. There is affidavit in support of the Motion. The order of the I.T.A.T. dated 25/6/2004 was received by the CIT-12 on 14/9/2004. After other steps, scrutiny report was called for on 9/12/2004. The file was sent to Panel Counsel on 16/12/2004. The draft appeal was received on 22/12/2005. Thereafter, note for Court fees stamp was sent in January, 2006. There is absolutely no explanation whatsoever for the delay between 16/12/2004 and 22/12/2005. Considering the cause shown, in our opinion, the same would not amount to sufficient cause. Hence Motion is dismissed.

(J.P.DEVADHAR, J.)

(F.I.REBELLO, J.)